

FOLGER LEVIN & KAHN LLP
Roger B. Mead (CSB No. 093251, rmead@flk.com)
Karen J. Petrulakis (CSB No. 168732, kpetrulakis@flk.com)
Andrew J. Davis (CSB No. 203345, ddavis@flk.com)
Embarcadero Center West
275 Battery Street, 23rd Floor
San Francisco, CA 94111
Telephone: (415) 986-2800
Facsimile: (415) 986-2827

Attorneys for Defendants Renn Transportation Company,
Renn Transportation, Inc., Brad Renn, Patricia Renn,
Ann Renn and Robert Renn

SEDGWICK, DETERT, MORAN & ARNOLD LLP
STEVEN D. ROLAND (Bar No. 108097)
RANDALL G. BLOCK (Bar No. 121330)
TARA L. CONDON (Bar No. 215312)
One Market Plaza, Steuart Tower, 8th Floor
San Francisco, California 94105
Telephone: (415) 781-7900
Facsimile: (415) 781-2635

Attorneys for Plaintiff Caterpillar Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CATERPILLAR INC., a Delaware
Corporation,

Plaintiff,

v.

RENN TRANSPORTATION COMPANY,
a California General Partnership, RENN
TRANSPORTATION, INC., a California
Corporation, BRAD RENN, PATRICIA
RENN, ANN RENN and, ROBERT
RENN, individuals, and Does 1-10,

Defendants.

Case No. 5:06-CV-04529

**STIPULATION AND PROPOSED ORDER
FOR RELIEF FROM SCHEDULING
ORDER**

(Local Rule 16-2(D))

1 By signatures of their counsel to this Stipulation, the parties to this action stipulate and
 2 request that the deadlines set forth in this Court's June 21, 2007 Scheduling Order be continued as
 3 set forth in the schedule below.

4 The parties desire to continue the dates set forth in the Scheduling Order for the following
 5 reasons:

6 1. On March 20, 2007, the parties conducted an all day mediation session before the
 7 Hon. Ellen Sickles James at JAMS. Although the parties did not resolve the dispute at the March
 8 20, 2007 mediation, the parties agreed to and did reconvene for a second mediation session on
 9 May 3, 2007. The parties, with the assistance of Judge James, have continued discussions and are
 10 optimistic that they will resolve their disputes. They are negotiating the final terms of a
 11 settlement agreement. Counsel for all parties desire to devote their time, energies, and resources
 12 to their efforts to resolve this matter, rather than expend resources completing tasks necessary to
 13 comply with the rapidly approaching deadlines (including discovery, expert witness, and
 14 dispositive motion deadlines) set forth in the Court's June 21, 2007 Scheduling Order.

15 2. This Stipulation and Proposed Order is not interposed for purposes of delay but in
 16 the interests of justice and the resolution of the controversies herein.

17 Case Schedule

18 Counsel for all parties have conferred with respect to these matters, and all parties agree to
 19 continue the dates set forth in the Court's prior Schedule as reflected below:

20 Defendants' Response to Third Amended	July 17, 2007
21 Complaint	(continued from July 3, 2007)
22 Disclosure of Expert Witnesses	August 27, 2007
	(continued from August 13, 2007)
23 Rebuttal Expert Witness Disclosures	September 17, 2007
24	(continued from September 4, 2007)
25 Last Day For Hearing On Objections To	October 22, 2007
26 Qualifications Or Testimony Of Expert	(continued from October 8, 2007)
27 Close of All Discovery	October 29, 2007
28	(continued from October 15, 2007)

1 **Last Day For Hearing Dispositive Motions** **December 3, 2007**
2 (continued from November 19, 2007)

3 **Preliminary Pretrial Conference** **January 18, 2008**
4 **Statements** (continued from January 4, 2008)

5 **Preliminary Pretrial Conference** **January 28 2008**
6 **at 11:00 a.m.** (continued from January 14, 2008)

7 Dated: July 3, 2007 FOLGER LEVIN & KAHN LLP

8
9 /s/ Roger B. Mead
10 Roger B. Mead
11 Attorneys for Defendants
12 Renn Transportation Company, Renn Transportation,
13 Inc. Brad Renn, Patricia Renn, Ann Renn and Robert
14 Renn

15 Dated: July 3, 2007 SEDGWICK, DETERT, MORAN & ARNOLD LLP

16 /s/ Randall G. Block
17 Randall G. Block
18 Attorneys for Plaintiff Caterpillar, Inc.

19
20 ~~PROPOSED~~ ORDER

21 PURSUANT TO STIPULATION, IT IS HERBY ORDERED that the schedule set forth
22 in this Stipulation and Proposed Order is hereby adopted by the Court and the parties are directed
23 to comply with this Order.

24
25 Dated: July 5, 2007

26 
27 The Honorable James Ware

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